

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

CORY CUTSHALL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cv-00138
)	
KEITH ROCKWELL and)	
DAVE KUKER TRUCKING LLC)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, Keith Rockwell and Dave Kuker Trucking LLC, by counsel and pursuant to 28 U.S.C. §1332 hereby file their Notice of Removal of the captioned matter to the United States District Court for the Southern District of Indiana, New Albany Division, from the Clark Superior Court 6, Jeffersonville, Indiana, and respectfully state as follows:

1. Keith Rockwell and Dave Kuker Trucking LLC are defendants in a personal injury action now pending in the Clark Superior Court No. 6, under Cause No. 10D06-2209-CT-000149.

2. Plaintiff filed his Complaint in the Clark Superior Court on September 29, 2022.

3. Defendant, Keith Rockwell, was served with a copy of the Summons and Complaint on or about October 25, 2022.

4. Defendant, Dave Kuker Trucking LLC, was served with a copy of the Summons and Complaint on or about October 25, 2022.

5. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

6. Plaintiff is a citizen of the State of Indiana.

7. Defendant Keith Rockwell is a citizen of the State of Florida.

8. Defendant Dave Kuker Trucking LLC is an Iowa limited liability company. The sole member of Dave Kuker Trucking LLC is Dave Kuker, a citizen of Iowa. As such, Dave Kuker Trucking LLC is a citizen of Iowa.

9. The controversy in this cause of action is entirely between citizens of different states.

10. The amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

11. Attached hereto as Exhibit A is a copy of the Plaintiff's Complaint and Demand for Jury Trial, Appearance for Plaintiff, Summons to Defendant Keith Rockwell, Summons to Defendant Dave Kuker Trucking LLC, Appearance for Defendants, Motion for Enlargement of Time and Order Granting Enlargement of Time. These documents constitute all of the pleadings and process on file with the Clark Superior Court 6 as of the date of this filing of this Notice of Removal.

12. Attached hereto as Exhibit B is a separate copy of Plaintiff's Complaint filed on September 29, 2022.

13. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Clark Superior Court 6.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

s/James L. Culp

Christopher R. Whitten/#20429-49

James L. Culp/26326-49

Counsel for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following by electronic mail on the 28th day of October 2022.

John L. Smith, Esq.
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s/James L. Culp

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